

7345 Sunset Strip N. W. P. O. Box 2646
North Canton, Ohio 44720-2646

October 18, 2000

Mr. Daniel J. Aleman
Canton City Health Department
Division of Air Pollution Control
420 Market Ave. N.
Canton, OH 44702-1544

RECEIVED

OCT 20 2000

AIR ENFORCEMENT BRANCH,
U. S. EPA, REGION 5

Re: Facility 15 76 17 1157 P901

Dear Mr. Aleman:

This letter is in response to the Notice of Violation we received on September 29, 2000. On July 24 and 26, 2000 your office stated that our asphalt plant was out of compliance with the 20% opacity limitation in our Permit to Operate and regulations 40 CFR, Part 60 Subpart I and OAC 3745-17-07(A)(1). During your visit on July 24, 2000 your field inspector had informed our plant operator that there was an exceedance in our visible emissions.

Upon learning that there was a violation discovered by your field inspector, we immediately began investigating into the cause of the excess emissions. We discovered four bags with possible defective seals. We informed your office on July 25, 2000 and the field inspector returned on July 26, 2000 and noted the visible emissions were better, but still out of compliance. We again took action to discover the source of the exceedance. We discovered 3 additional bags with possible defective seals and a deteriorated coupling. We replaced the bags and coupling. We learned from you that your field inspector returned on July 28, 2000 and August 1, 2000 and found our plant to be in compliance with our visible emission limitation.

Our full-time certified visible emissions observer did not show a violation for this time period. During a meeting with you on October 6, 2000 it was suggested that they were not in the best position for reading since the background was gray sky. This may be the reason why we did not detect a problem with our stack emissions.

Your letter of September 25, 2000 has requested several actions. We would like to address these individually:

1) We have reviewed all applicable Ohio EPA-OAC regulations, guidelines and PTO terms and conditions. We have submitted the malfunction report and have instructed our Certified Visible Emission Reader that he should read the emissions from the stack against a dark background such as trees. This was in accordance with the advice given to

**Main Office (330) 837-5739
Plant Office (330) 497-0936**

Mr. Daniel J. Aleman

Page 2

October 18, 2000

2) You will receive copies of the baghouse maintenance records, daily visible emission checks and baghouse pressure drop readings for the days we operated during the period August 1, 1999 through September 1, 2000, on or before October 30, 2000.

3) We do not feel that a stack test should be required at this time. This facility was tested on October 18, 1999, and it was found to be in compliance. The opacity violation that your office witnessed did not last for an extended period of time, and the problem was corrected as quickly as possible. During our meeting on October 6, 2000 we were told that on July 28, 2000 your field inspector performed visible emission observations on our plant and we were in compliance. We also discussed the timing for performing a stack test. Due to the lateness in the season and weather conditions, it is impossible perform a stack test at maximum operating conditions. If it is determined that we must conduct a compliance test, we had agreed that it may be accomplished on or before June 15, 2001 depending on production schedules and weather conditions. We would also like to address the testing requirements outlined in the NOV.

- a. The requested stack test requires analysis of the hydrocarbon content of the aggregate and the RAP. We do not feel that this should be forced upon us since we have no reason to suspect the organic emissions from this plant are in excess. Furthermore, there are no VOC emission limits in our current permit. We also have learned from other companies who have been required to test for VOC emissions from their stack, that they did not have to analyze the organic content of the stone or RAP. We are willing to retain samples of the aggregate and RAP, and if the VOC emissions from our plant indicate there is a problem we would perform the analysis at that time.
- b. The requested stack test includes testing for nonfilterable particulate utilizing method 202. Upon discussion with other asphalt producers, this test has not been required of anyone else. Furthermore, it is not required by NSPS Subpart I, the Ohio Administrative Code or our permit to operate. This is an expensive test and we do not feel that by being required to perform this test we are being treated fairly.
- c. The requested stack test requires testing for VOC, CO and NOx. These pollutants are not the pollutants in question during the days when there was an opacity violation observed by your field inspector. There has been no mention of blue smoke, which would indicate organic emissions. Furthermore, CO and NOx emissions would not contribute to opacity emissions. Our Permit to Operate does not have emission limitations on these pollutants. We feel that testing for these pollutants should not be required.
- d. You indicated that additional restrictions may be required after compliance testing. We feel that this facility is already strictly regulated. Our permit requires that we have a certified VE reader to perform daily visible emission observations and that we monitor the baghouse pressure drop daily.

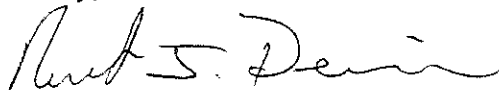
Mr. Daniel J. Aleman
Page 3
October 18, 2000

- 4) We apologize for not submitting a timely malfunction report. Traditionally we have handled these situations verbally and not written. We have reviewed the requirements in our Permit to Operate and the Ohio Administrative Code and now understand that a written report is required. This report was mailed to you on October 13, 2000.
- 5) A written Preventative Maintenance Plan is currently being developed. We anticipate this will be completed by November 30, 2000 and implemented by January 1, 2001.
- 6) We have a certified visible emission reader on site and he is performing the required daily visible emission readings. These readings are recorded and maintained on site.
- 7) The Broken Bag Detector should not be necessary since we are required to have a certified visible emission reader on site and perform daily visible emission readings. A broken bag detector would perform the same function as the visible emission reader. We feel that one or the other would be appropriate but not both.

We feel that our facility has a good compliance record. We have always taken every possible measure to eliminate potential problems and to mitigate them as soon as they are discovered. Please consider the above arguments carefully before making decisions on how this Notice of Violation should be resolved. We feel that we have taken the appropriate steps and have already resolved the opacity violation and malfunction report requirement.

If you have any questions concerning the above, please contact me at your earliest convenience.

Sincerely,



Robert J. Dervin
Northstar Asphalt Inc.

cc: Tom Kalman, Ohio EPA, DACP
Lisa Holscher, USEPA, Region V